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September 20, 2002—Ex Parte

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., TW-B204
Washington, D.C. 20554

**RE: Joint Application by Verizon for Authorization To Provide In-Region, InterLATA
Services in State of Virginia, WC Docket No. 02-214**

Dear Ms. Dortch:

In accordance with the Commission's Ex Parte Rules, Cavalier Telephone, LLC ("Cavalier") is submitting the attached documents ex parte to the FCC staff copied below, for consideration by the Commission in this proceeding. Verizon's performance for directory listings has been raised in comments in this proceeding, and in the Department of Justice's evaluation, and the DOJ encouraged commenters to keep the Commission updated on relevant information as the Commission deliberates in this application for interLATA authority in Virginia.

The documents attached relate to Verizon's unexplained removal of Dr. Dan Kirsch and his Hudson Associates Consulting, Inc.'s business listing from the 2002 white pages directory listings for South Hampton Roads, Virginia. Specifically, attached is a July 19, 2002 letter from Dr. Kirsch, sent to Mr. Martin Clift, Cavalier's Vice President for Regulatory Affairs, detailing a chronology of Dr. Kirsch's travails in attempting to get someone at Verizon to help him with this inexplicable removal of his listing from the business white pages. Also attached is a Virginia State Corporations Commission, Division of Communications Complaint, opened up in response to Dr. Kirsch's inquiries at the VSCC, and Cavalier's response to this Complaint. Further, attached is the Local Service Confirmation sent by Verizon to Cavalier regarding this customer's request to keep his business listing "as is" and Verizon's Confirmation that the listing would be included as requested.

Please let me know if I can provide you any further information concerning this matter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Alan M. Shoer".

Alan M. Shoer
Assistant General Counsel
Cavalier Telephone, LLC
1275 K Street, N.W.—Box 301
Washington, D.C. 20005
ashoer@cavtel.com

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July 19, 2002

Mr. Martin Clift
Vice President Regulatory Affairs
Cavalier Telephone
2134 W. Laburnum Ave.
Richmond, VA 23227

Dear Marty,

Regarding our recent discussions concerning my complaint against Verizon, I'm providing the following information to assist with documentation of not only my original complaint but also to document the difficulty that I have had in attempting to gain assistance from Verizon in resolving this matter. This information is provided for your records as well as for the purpose of any FCC filings that Cavalier Telephone may consider related to this matter.

The following chronological background information is provided:

8/16/2002: Received Verizon 2002-2003 SuperPages for South Hampton Roads (Area Code 757) and discovered that my firm was not listed in the White Pages ("South Hampton Roads Business-Professional-Organizational Listings")

Prior to the release of this new White Pages, my firm was properly listed and had been listed in every directory since 1993 (most current listing was in White Pages which expired October 2002 -- South Hampton Roads Business-Professional-Organizational Listings, page 97, first listing under "Hudson")

8/19/2002: Contacted Cavalier Telephone (Cathi Williamson, Business Support Administrator) to determine whether Cavalier had submitted our order to Verizon and to ask for assistance in this matter

8/22/2002: Received from Cathi Williamson (Cavalier Telephone Business Support Administrator) confirmation that Cavalier had submitted to Verizon an "As Is" order on 2/26/2002 to keep both our current Verizon White Pages and Yellow Pages listings (Cavalier Purchase Order #512011)

Advised Cavalier (Cathi Williamson) that I would pass this information to the Virginia State Corporation Commission (SCC)

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- 8/22/2002: Contacted Virginia State Corporation Commission (SCC) and discussed the situation; Pam Butler initiated a complaint on my behalf against Verizon
- 8/29/2002: Pam Butler of Virginia State Corporation Commission (SCC) contacted me to provide status on my Verizon complaint; Pam indicated that my "complaint regarding directory white pages was deemed as justifiable against Verizon Virginia Telephone"
- 9/5/2002: Contacted Cathi Williamson to ask for any information regarding how I would proceed with filing a claim against Verizon in this matter; Cathi Williamson advised that I contact Verizon regarding my desire to submit a claim in this matter, and provided the phone number for the Verizon National Market Center
- 9/5/2002: Contacted Verizon National Market Center (telephone 888-847-6288) and following the voice prompts which lead to "Claims" asked to speak with someone regarding filing a claim against Verizon; first individual that I spoke with (did not identify themselves) very rudely (with profanity) informed me that I was not even supposed to be contacting the Verizon National Market Center unless I was a telephone company, and then hung up on me

Recontacted Verizon National Market Center and again connected to Claims asked to speak with someone regarding filing a claim; when I asked for this individual's name I was told that this information wasn't given out, and instead they wanted to know which telephone company I worked for; I explained that I was a business telephone customer and that my telephone company, Cavalier, had provided this number for me to contact Verizon regarding a claim; this individual was then also then extremely rude and said that I didn't have "the right" to just call the Verizon National Market Center because I "wasn't a customer of Verizon"; I tried to explain my situation, explained about the SCC complaint and discussing this with Cavalier, and was then told that "none of that makes any difference" as they (Verizon National Market Center) were "not allowed" to talk to me; I asked "who" said they weren't "allowed" and was told that this was not something that they had to discuss with me; I then asked to speak with a supervisor, and was told that my only recourse was to call the Verizon Richmond Business number; I again asked to speak with a supervisor, received an extremely rude and somewhat profane response which also included again being told that the individual wasn't allowed to speak with me, and then was hung up on again

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I recontacted the Verizon National Market Center for a third time, and again reach Claims. I indicated that I had a claim to file regarding a Cavalier Telephone order that was not processed; the unidentified individual indicated that they weren't supposed to talk with me as I wasn't their customer; I persisted, and the individual asked me for the service order number for the issue I was complaining about; I provided the Cavalier Purchase Order Number that I had received from Cavalier; this individual told me that they didn't recognize that as a valid number and told me that without a valid service number that even if I was a telephone company they couldn't help me; I explained that I got the number directly from a printout of the Verizon Local Service Interface service order screen, and in reply the individual told me that a purchase order was no indication that an order had been placed, and then told me that there was nothing else that they could do and said to have my telephone company contact them or to have me call my local Verizon Business Office

9/5/2002: Contacted the Verizon Richmond Business Office (telephone 804-954-6888); asked to speak with someone regarding a complaint; spoke with Linda Hill who asked me for my account information; I explained that I didn't have an account with Verizon, had an account with Cavalier, and that I was calling regarding a complaint I had filed against Verizon; Linda Hill then told me that if I had any complaints that I must take them up with Cavalier; I attempted to explain the situation to her, and indicated that I had filed a complaint with the SCC, that it had been found as justified, and that I was now trying to find out who in Verizon I could speak with to initiate a claim; Linda Hill was also extremely rude, and told me that unless I had an account with Verizon, then there was nothing that anyone in Verizon could do for me; I asked if there was a part of Verizon that handled complaints and claims, and Linda Hill indicated that there was not or if there was one she wouldn't know where to send me; I asked to speak with a supervisor and was told that I didn't have the right to speak with a Verizon supervisor about this matter because I was not a Verizon customer; I persisted and then asked if there wasn't anyone else that I could talk with regarding my claim; Linda Hill then transferred my call to Verizon Directory Advertising

Verizon Directory Advertising came on the line and I was asked if I needed to speak with a sales representative about purchasing advertisement; I indicated that I needed to talk with someone about a claim, and the individual indicated that this was a sales line only and hung up



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9/6/2002: Contacted Cathi Williamson of Cavalier and described what I had been through with Verizon, and asked for any suggestions or other points-of-contact; Cathi suggested that I reach Kelly Bryant, Cavalier Telephone Quality Control

Spoke with Kelly Bryant and described what I'd been through to date; Kelly suggested that I contact the Verizon Office of Appeals, and provided numbers and points-of-contact for that office; Kelly also provided additional information regarding the Cavalier Purchase Order #512011 by indicating that this was processed by Verizon as Service Order R5SU81234

9/6/2002: Contacted Verizon Office of Appeals (804-779-4115) and spoke with Phillis McNeil, a supervisor; I explained the many calls that I'd had with Verizon and also explained in detail how I had been treated (including that I'd been hung up on, had been cursed at, and otherwise treated rudely); I also provided details regarding my complaint, and the fact that the SCC complaint had already been ruled as justified; Phillis apologized and indicated that her office would help me, that she would find out which Verizon Customer Service Specialist was assigned my case and would have that individual contact me that afternoon; she also confirmed that she did have a record of my complaint

I was contacted by Lisa Morris, Verizon Customer Service Specialist who stated that I "cannot file a claim with Verizon" because I have "no claim as I was not the customer"; she indicated that I must instead file a complaint with Cavalier Telephone; I indicated to Lisa that I had already filed a complaint, that the SCC had the complaint and had determined that it was justified against Verizon; I also indicated that Cavalier had told me that I must file a claim with Verizon; Lisa reaffirmed that as far as Verizon was concerned, I had no complaint; she also indicated that she would contact the SCC to clarify for Pam Butler that I was "not a Verizon customer and therefore cannot file a claim" and that she was unclear as to why I would have a filed complaint or why I would believe that I could file a claim with Verizon since only Cavalier can do so

I then recontacted Phillis McNeil, supervisor in the Verizon Office of Appeals; Phillis apologized and said that at the time we had spoken she was unaware that I wasn't a Verizon customer; she indicated that only Cavalier Telephone could file a complaint in this matter; she also stated that she "wasn't saying that your (my) complaint wasn't justified" and "wasn't saying that you (me) didn't have a valid claim against Verizon, just that Cavalier is who had to file the claim on your (my) behalf"; Phillis then also explained that Cavalier had someone who dealt with these issues, and I explained that I had already spoken with Kelly



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Bryant, who had told me to call Verizon Office of Appeals; Phillis told me that Cavalier should "know better than that" as they deal with these type of issues all the time

Phillis explained to me that this situation was similar to one where I would "get a bad hamburger at McDonalds" and in that situation that I wasn't allowed to then just file a claim against the provider of the hamburger; I indicated that I disagreed and suggested that I "bet that I could find more than one attorney who would feel pretty certain that I had a claim directly against Verizon"; Phillis again reaffirmed that she didn't disagree that I had a valid claim, but said that the "correct procedure" was for me to have Cavalier initiate the claim so that I "could be compensated for the error"; Phillis asked me to please give them until Monday, September 9, 2002 to contact the SCC and to speak with someone at Cavalier so that they could "get this moving"

9/10/2002: I contacted Pam Butler of Virginia SCC; She indicated that she had a phone message from Lisa Morris at the Verizon Office of Appeals, and also indicated that she had been leaving phone messages for Lisa and for her supervisor, Phillis McNeil, since 9/9 and that they had not returned her call

Pam suggested that I contact Cavalier and ask that they act as an advocate in this matter.

I recontacted Kelly Bryant of Cavalier and provided an update on all that I had been through, and she indicated that she would pass this information on to you

As it stands now Marty, it seems very clear to me that Verizon is unsympathetic in this matter. They very clearly know that they are at fault, and yet have no apparent intention of taking any positive action to resolve my complaint and to deal with my claim.

It is also apparent to me that this would even seem to be a deliberate attempt by Verizon to somehow "punish" me from moving my firm's telephone service to Cavalier. This would seem so as I had a valid Verizon listing prior to moving to Cavalier, and the Cavalier order was to keep my listing "As Is." In order for my listing to be omitted, it would seem likely that Verizon willfully removed my listing even though Cavalier had submitted the "As Is" request because Verizon had a valid service order to simply keep a current listing in their database. Another words, it took a specific action to remove a current listing. It also took another action - or lack of action - to not follow through with the "As Is" request by verifying that I would be in the listing.



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The impact to my firm of not being listed is significant. Although we are listed in the Verizon Yellow Pages under Management Consultant, my firm provides a variety of services that would cause any firm or individual "looking for us" to have to search through multiple Yellow Page areas. I firmly believe that we have been established long enough that when someone needs to contact us that they first search for "Hudson" in the White Pages and then would find our listing as "Hudson Associates Consulting." This is substantiated by the fact that since the 2002-2003 Verizon SuperPages has been released we have had numerous calls from individuals who indicated that they had to go back to their "old White Pages" to find our listing when they realized that we weren't listed in the new directory. Several callers even indicated that they had initially thought that perhaps we had even gone out of business.

As a small business, the impact of this is tremendous. Clearly in a matter of weeks, the new directory will be fully distributed and in use. At that point, any firm or individual who is looking for my company would have to call directory assistance, and would hope that a request for us under whatever search criteria was given, would somehow allow for Directory Assistance to provide them with our number (instead of any other "Hudson", or instead of "Hudson & Associates" which is an engineering firm in the area). To that point, we have had to date two callers who indicated that they were NOT able to get our number by a Directory Assistance request, and that they had to instead turn to an old directory and to a rolodex listing. And as it stands now, I do not even have any indication from Verizon that they intend to ensure that they include my firm in the next year's directory.

This comes at a particularly bad time for us - to be negatively impacted in this manner. In a few short weeks my firm will be relocating within this business plaza as part of what we hope is a beneficial business expansion. And now it would seem that at the very time that we'd like to ensure that we have a valid White Pages listing, we have none.

As provided above, even the Verizon Office of Appeals indicated that they know that we have a valid claim and yet we seem to be unable to submit one. Verizon has been not only unsympathetic, but rude in their manner in dealing with me on this issue.

Any assistance that Cavalier Telephone may be able to provide in this matter is greatly appreciated, as I would very much like to bring this matter to closure.

Sincerely,

S

Dr. Dan Kirsch, CPC



HUDSON ASSOCIATES CONSULTING, INC.

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President

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**Virginia State Corporation Commission
Division of Communications Complaint**

Handler: Pam Butler **Number:** (804) 371-9800 **E-Mail:** pbutler@sec.state.va.us

Source: Phone **Date Received:** 08/21/2002 **Time:** 13:22

Call ID: 00000376 **Complaint Status:** Open

Responsible Party: Cavalier Telepaque, LLC **Company ID:** Cavalier

Customer ID: Hudson 00 **e-mail:**

Company Name: Hudson Associates Consulting, Inc.

Name: Dr. Dan Kirsch

Phone: **Ext.:** **Call Back Number:** (571) 460-6670

Address: , P.O. Box 68609 **City, State, Zip:** Virginia Beach, VA 23471-8609

Call Record

Call Type: Directory **Sub-Call Type:** White Pages

Call Description: Business customer left out of the white pages in new directory.

Customer has contacted CAVA LLC.

CAVA LLC: Please investigate and forward detail to me by August 27, 2002. Thanks.

Close Information

Solution:

Disposition:

We have a file for this customer in Assignment. In the file we have documentation that, on PON 02CAVA1-M512011, we requested that the directory listing be "retained as is" which is exactly what the customer requested per additional paperwork in the file. The CSR that is in the file which identifies the records at the time of the migration, shows that a directory listing existed as:

Hudson Associates Consulting 4529 E Honeygrove Rd, Virginia Beach...757 460-6670

Per the request on the PON, this listing should have been retained. Furthermore, the PON returned a Local Service Confirmation (FOC). The FOC indicates that this listing was installed per our request on directory BAN 0239271077 with ALI code DXI. Verizon returned directory

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service order number R5SU81234 on the FOC. This listing IS on our current ALI code report and the listing does currently exist. The due date on the PON that installed the listing is 03/01/2002. The book closed on May 17.

Finally, Cavaller cannot determine why the customer was left out of the directory as CAVALIER did EVERYTHING it should have.

ROOT CAUSE: Verizon

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Local Service Confirmation

Local Service Confirmation (LSOG4)

<u>EDI Sender ID</u>	ACTVIEW
<u>LSR Release Number</u>	0004
<u>Administration</u>	
<u>Customer Carrier Name Abbreviation</u>	VLR
<u>Purchase Order Number</u>	02CAVA1-M512011
<u>Version</u>	AC
<u>Supplement Type</u>	3
<u>Account Telephone Number</u>	7574606670
<u>Local Service Request Number</u>	EB20020214006879
<u>Initiator Identification</u>	C THOMAS
<u>Confirmation Date and Time Sent</u>	200202211244
<u>Provider Contact Representative</u>	MERCADO, YVONNE
<u>Telephone Number</u>	8888476288
<u>Response Type</u>	Firm Order Confirmation
<u>Coordinated Hot Cut</u>	Yes
<u>Frame Due Time</u>	1100
<u>Due Date</u>	20020301
<u>Billing Account Number Identifier 2</u>	Directory Listings
<u>Billing Account Number 2</u>	0239271077910
<u>Exchange Carrier Version</u>	AAC
<u>Circuit Detail</u>	
<u>DID Reference Number</u>	1
<u>Exchange Company Circuit ID</u>	UB/TXNU/107158/VA

Book closed 5/17/02

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<u>Customer Circuit Reference</u>	7574604891
<u>Loop Order Number</u>	N5SU81261
<u>Number Portability Order Number</u>	D5SU81245
<u>Ported Telephone Number</u>	7574604891
<u>System Identification</u>	VLR53
<u>Shelf</u>	4
<u>Channel/Pair</u>	00051
Circuit Detail -- Instance 2	
<u>DID Reference Number</u>	2
<u>Exchange Company Circuit ID</u>	UB/TXNU/107159/VA
<u>Customer Circuit Reference</u>	7574605019
<u>Loop Order Number</u>	N5SU81261
<u>Number Portability Order Number</u>	D5SU81245
<u>Ported Telephone Number</u>	7574605019
<u>System Identification</u>	VLR53
<u>Shelf</u>	4
<u>Channel/Pair</u>	00052
Circuit Detail -- Instance 3	
<u>DID Reference Number</u>	3
<u>Exchange Company Circuit ID</u>	UB/TXNU/107160/VA
<u>Customer Circuit Reference</u>	7574606670
<u>Loop Order Number</u>	N5SU81261
<u>Number Portability Order Number</u>	D5SU81245
<u>Ported Telephone Number</u>	7574606670
<u>System Identification</u>	VLR53
<u>Shelf</u>	4
<u>Channel/Pair</u>	00053
Circuit Detail -- Instance 4	
<u>DID Reference Number</u>	4

[View Response](#)Exchange Company Circuit ID UB/TXNU/107161//VACustomer Circuit Reference 7574606671Loop Order Number N5SU81261Number Portability Order Number D5SU81245Ported Telephone Number 7574606671System Identification VLR53Shelf 4Channel/Pair 00054

Circuit Detail -- Instance 5

DID Reference Number 6Exchange Company Circuit ID UB/TXNU/107162//VACustomer Circuit Reference 7574606672Loop Order Number N5SU81261Number Portability Order Number D5SU81245Ported Telephone Number 7574606672System Identification VLR53Shelf 4Channel/Pair 00055

Circuit Detail -- Instance 6

DID Reference Number 9001Telephone Number 7574606672

Circuit Detail -- Instance 7

DID Reference Number 9002Telephone Number 7574605019

Circuit Detail -- Instance 8

DID Reference Number 9003Telephone Number 7574606670

Circuit Detail -- Instance 9

DID Reference Number 9004

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Telephone Number 7574606671

Circuit Detail -- Instance 10

DID Reference Number 9005

Telephone Number 7574604891

Directory Details

Directory Listing Order Number D5SU81245

Listing

Listed Telephone Number 757 460-6670

Listing Action Code O

Listing Field Identifier ML

Listed Name HUDSON ASSOCIATES CONSULTING

Listed Address 4529 E HONEYGROVE RD, VIRGINIA BEACH

Directory Details -- Instance 2

Directory Listing Order Number N5SU81261

Listing

Listed Telephone Number 023 330-8005

Listing Action Code I

Listing Field Identifier ML

Listed Name (NON-DIR)HUDSON ASSOCIATES CONSULTING

Listed Address 4529 E HONEYGROVE RD, VIRGINIA BEACH

Directory Details -- Instance 3

Directory Listing Order Number R5SU81234

Listing

Listed Telephone Number 757 460-6670

Listing Action Code I

Listing Field Identifier L4B

Alpha/numeric Listing Identifier Code DXI

*Verizon's
Confirmation
to CAV.*

09/19/2002 12:51

804 422 4315 → 4978740

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NO. 544 006
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Listed Name

HUDSON ASSOCIATES CONSULTING

Listed Address

4529 E HONEYGROVE RD, VIRGINIA BEACH